



HOUSE OF REPRESENTATIVES

COMMITTEE ON CRIMINAL JUSTICE

REP. KARA HOPE

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, October 17, 2023

9:00 AM

Room 519, House Office Building

The House Committee on Criminal Justice was called to order by Chair Hope.

The Chair requested attendance be called:

Present: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Absent: None.

Excused: None.

Representative Young moved to adopt the meeting minutes from October 10, 2023. There being no objection, the motion prevailed by unanimous consent.

The Chair laid SB 471, SB 472 and SB 528 before the committee:

- | | | |
|--------|--------------|---|
| SB 471 | (Sen. Chang) | A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224f (MCL 750.224f), as amended by 2014 PA 4. |
| SB 472 | (Sen. Chang) | A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2023 PA 22. |
| SB 528 | (Sen. Shink) | A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 115, 145n, 377a, 380, 411h, and 540e (MCL 750.115, 750.145n, 750.377a, 750.380, 750.411h, and 750.540e), section 115 as amended by 2000 PA 148, section 145n as amended by 2016 PA 480, sections 377a and 380 as amended by 1998 PA 311, section 411h as amended by 1997 PA 65, and section 540e as amended by 2002 PA 577. |

Senator Chang and Senator Shink testified together in support of SB 471, SB 472 and SB 528. Questions and discussion followed.

Trooper Kristina Droste, representing the Michigan State Police, testified in support of SB 471, SB 472 and SB 528. Questions and discussion followed.

Heath B. Lowrey, representing the Michigan Coalition to End Domestic and Sexual Violence, testified in support of SB 471, SB 472 and SB 528.

Robyn Liddell, Linus Banghart-Linn, and Ashley Steffen, all representing the Michigan Department of Attorney General, testified in support of SB 471 and SB 472.

Tom Lambert, representing Michigan Open Carry, testified in opposition to SB 471, SB 472 and SB 528.

The following people submitted a card in support of SB 471, SB 472 and SB 528, but did not wish to speak:

Megan Reynolds, representing the Michigan Poverty Law Program - Family Law Domestic Violence.

M. Jane O'Shea, representing herself.

Mary Pollock, representing the American Association of University Women of Michigan.

Jess Averill, representing the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

The following people submitted a card in support of SB 471 and SB 472, but did not wish to speak:

Sean Holihan, representing Giffords.

Matt Black, representing the Michigan Academy of Family Physicians.

Representative Filler offered the following amendment to SB 471:

1. Amend page 3, line 13, after the first "of" by striking out "8" and inserting "3".

Representative Filler moved to adopt the amendment to SB 471. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Nays: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou.

Pass: None.

Representative Breen moved to report out SB 471 with recommendation. The motion prevailed 8-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Mueller, Bezotte, Harris, BeGole.

Pass: Rep. Filler.

Representative Tsernoglou moved to report out SB 472 with recommendation. The motion prevailed 8-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Mueller, Bezotte, Harris, BeGole.

Pass: Rep. Filler.

Representative Filler offered the following amendments to SB 528:

1. Amend page 2, line 14, after "**relationship**" by inserting "**within the previous 10 years**".
2. Amend page 2, line 16, after "**household**" by inserting "**within the previous 10 years**".
3. Amend page 4, line 13, after "**relationship**" by inserting "**within the previous 10 years**".
4. Amend page 4, line 19, after "**household**" by inserting "**within the previous 10 years**".
5. Amend page 6, line 18, after "**relationship**" by inserting "**within the previous 10 years**".
6. Amend page 6, line 20, after "**household**" by inserting "**within the previous 10 years**".
7. Amend page 7, line 8, after "**relationship**" by inserting "**within the previous 10 years**".
8. Amend page 7, line 10, after "**household**" by inserting "**within the previous 10 years**".
9. Amend page 9, line 27, after "**relationship**" by inserting "**within the previous 10 years**".
10. Amend page 9, line 29, after "**household**" by inserting "**within the previous 10 years**".
11. Amend page 10, line 18, after "**relationship**" by inserting "**within the previous 10 years**".
12. Amend page 10, line 20, after "**household**" by inserting "**within the previous 10 years**".

13. Amend page 13, line 23, after "**relationship**" by inserting "**within the previous 10 years**".

14. Amend page 13, line 25, after "**household**" by inserting "**within the previous 10 years**".

15. Amend page 16, line 4, after "**relationship**" by inserting "**within the previous 10 years**".

16. Amend page 16, line 6, after "**household**" by inserting "**within the previous 10 years**".

Representative Filler moved to adopt the amendments to SB 528. The motion did not prevail 5-8-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Bezotte, Harris, BeGole.

Nays: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou.

Pass: None.

Representative Tyrone Carter moved to adopt substitute (H-1) to SB 528. The motion prevailed 8-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou.

Nays: Reps. Mueller, Bezotte, Harris, BeGole.

Pass: Rep. Filler.

Representative Andrews moved to report out SB 528 with recommendation, as substitute (H-1). The motion prevailed 9-0-4:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou, Mueller.

Nays: None.

Pass: Reps. Filler, Bezotte, Harris, BeGole.

The Chair laid HB 5046 before the committee:

HB 5046 (Rep. Shannon)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2543 (MCL 600.2543), as amended by 2004 PA 328.

Jacqueline A. Reed, representing the Michigan Electronic Court Reporters Association, testified in support of HB 5046.

Samantha Gibson, representing the Michigan Association of Counties, testified in support of HB 5046.

The following people submitted a card in support of HB 5046, but did not wish to speak:
Kara Van Dam, representing the Michigan Association of Freelance Court Reporters.
Judge Kim Wiegand, representing the Michigan District Judges Association.
Theresa Stevens, representing the Michigan Association of Freelance Court Reporters.

Representative Filler moved to adopt substitute (H-1) to HB 5046. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Nays: None.

Pass: None.

Representative Breen moved to report out HB 5046 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Nays: None.

Pass: None.

The Chair laid HB 5017 before the committee:

HB 5017 (Rep. O'Neal)

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 83 (MCL 791.283), as amended by 2016 PA 344.

The following person submitted a card in support of HB 5017, but did not wish to speak:
Gabrielle Dresner, representing the ACLU of Michigan.

Representative Arbit offered the following amendments to HB 5017:

1. Amend page 1, line 6, after "**court**" by striking out the balance of the line through "**offense**" on line 1 of page 2 and inserting "**for a qualifying event**".

2. Amend page 2, following line 24, by inserting:
"(4) As used in this section, "qualifying event" means the resentencing required by *Miller v Alabama*, 567 US 460 (2012), *Montgomery v Louisiana*, 577 US 190 (2016), *People v Parks*, 510 Mich 225 (2022), or *People v Stovall*, 510 Mich 301 (2022)."

Representative Arbit moved to adopt the amendments to HB 5017. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Nays: None.

Pass: None.

Representative Dievendorf moved to report HB 5017 as amended, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Hope, Andrews, Tyrone Carter, Breen, Young, Arbit, Dievendorf, Tsernoglou, Filler, Mueller, Bezotte, Harris, BeGole.

Nays: None.

Pass: None.

There being no further business before the committee, Chair Hope adjourned the meeting at 9:58 AM.

Representative Kara Hope, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov